

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE PUBLIC UTILITIES COMMISSION

In the Matter of the Application of the City
of Buffalo to Extend its Assigned Service
Area into the Area Presently Assigned to
Wright-Hennepin Cooperative Electric
Association

PREHEARING ORDER

A prehearing conference was held before Beverly Jones Heydinger, Administrative Law Judge, on November 14, 2003 at the Public Utilities Commission, 121 Seventh Place East, Saint Paul, Minnesota.

Andrew J. Shea and Kaela M. Brennan, Attorneys at Law, McGrann Shea Anderson Carnival Straughn & Lamb, Chtd. 900 Nicollet Mall, Suite 2600, Minneapolis, MN 55402, appeared on behalf of the City of Buffalo. Harold LeVander, Jr., Attorney at law, Felhaber Larson Fenlon & Vogt, P.A., 30 East Seventh Street, Suite 2200, Saint Paul, MN 55101-4901, appeared on behalf of Wright-Hennepin Cooperative Electric Association. Julia A. Anderson, Assistant Attorney General, 445 Minnesota Street, Suite 1400, Saint Paul, MN 55101-2131, appeared on behalf of the Department of Commerce. Stuart Mitchell, Commission staff, was also present.

Discussion was held among the parties. Having considered all of the comments, the Administrative Law Judge makes the following Prehearing Order.

I. Intervention

The Department of Commerce (Department) filed a Notice of Appearance. The Department has the right to intervene pursuant to Minn. Stat. § 216A.07, subd. 3, and accordingly, is a party to this matter. The final date for intervention by additional parties shall be **December 1, 2003**.

II. Discovery

Counsel have agreed to the following discovery schedule:

Discovery requests: Monday, December 8, 2003;

Discovery responses: Thursday, January 8, 2004.

The Department may need limited discovery following the submission of prefiled direct testimony. In the event that any requests from the Department affect the parties' ability to prepare for the scheduled hearing, any party may request a prehearing conference to determine if a schedule adjustment is necessary.

III. Prefiled Testimony

Direct testimony shall be filed by Monday, **February 9, 2004**. Rebuttal testimony shall be filed by **March 1, 2004**. Surrebuttal testimony shall be filed by Monday, **March 15, 2004**. For the purposes of analysis, the parties have agreed that cost figures shall be based on Calendar Year 2002.

IV. Prehearing Conference

A prehearing conference will be held by telephone on **March 23, 2004 at 10:00 a.m.** The Administrative Law Judge will initiate the call. Prior to the prehearing conference, the parties shall exchange a list of proposed witnesses and documents to be introduced into evidence at the hearing, and file a copy of the lists with the judge. The purpose of the prehearing conference will be to establish the order of witnesses, agree on the numbering of the exhibits, and address any evidentiary questions, including the foundation for proposed exhibits, that may have been identified.

V. Foundation Objections

Any party objecting to the foundation for any written exhibit received under Section III above, must notify both the offering party and the judge in writing at least two working days before the hearing or the foundation objection is waived. Minn. R. 1400.7000.

VI. Hearing Schedule

The evidentiary hearing will begin on Tuesday, **March 30, 2004 at 9:30 a.m.** in Buffalo, Minnesota. Public testimony will be taken beginning at 2:00 p.m. The parties will be notified of the specific location in Buffalo where the hearing will be held as soon as it is available. The hearing will continue as needed on March 31, and April 1, 2004, at 9:30 a.m., in the Small Hearing Room at the Public Utilities Commission.

VII. Filing of Documents

All documents, excluding information requests and responses, if any, shall be filed as follows:

- A. The original and one copy shall be filed with the Administrative Law Judge.

B. One copy shall be served on each counsel of record.

C. Fifteen copies shall be filed with the Commission.

A service list is attached hereto as Exhibit A and made a part hereof. Service and filing of documents is governed by Minn. R. 1400.5550. Service may be made electronically on a party with the consent of that party. The parties are not required to serve copies of discovery requests or responses with the Administrative Law Judge or the Commission.

VIII. Trade Secrets and Proprietary Information

Persons filing documents containing trade secret information must comply with Minn. R. 7829.0500, and may seek a protective order.

IX. Court Reporter

The court reporter shall receive copies of any correspondence or pleadings that address the schedule in this matter.

X. Request for Accommodation

No person has requested accommodation for a disability or appointment of an interpreter. The Office of Administrative Hearings shall be notified promptly if either an accommodation or interpreter is needed.

Dated this 19th of November, 2003.

/s/ Beverly Jones Heydinger
BEVERLY JONES HEYDINGER
Administrative Law Judge